



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

January 2, 2020

By ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
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Re: *United States v. Jose Victoriano*, 14 Cr. 388 (LTS)

Dear Judge Swain:

The Government writes respectfully to provide an update with respect to the above matter, for which the parties currently are scheduled to appear on February 4, 2020, at 10:00 AM. (See ECF No. 157.)

As the Court is aware, on or about January 9, 2019, the defendant was arrested on charges set forth in the Indictment filed in Case No. 19 Cr. 12 (VSB). The current violation of supervised release pending before this Court is predicated on the same conduct underlying the charges in that Indictment.

Based on newly-discovered evidence, on or about December 20, 2019, the Government filed a *nolle prosequi* as to the above defendant. The Honorable Vernon S. Broderick subsequently entered an order directing that the charges against the defendant be dismissed. See *United States v. Pinkney, et al.*, 19 Cr. 12 (VSB), ECF No. 195 (S.D.N.Y.).

Accordingly, because the current violation is premised on the same conduct for which charges have now been dismissed, the Government respectfully requests that the Court dismiss the pending violation and terminate this proceeding as to the above defendant.

The pending specifications of violation are dismissed and Mr. Victoriano's term of supervised release, which would otherwise have expired in July 2019, is hereby terminated.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney
Southern District of New York

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SO ORDERED:

[Signature] 1/2/2020
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE